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041437Z Dec 01

CONFIDENTIAL PTQ4752

PAGE 01 HARARE 03630 01 OF 04 041529Z  
ACTION AF-00

INFO	LOG-00	NP-00	ACQ-00	CIAE-00	DINT-00	DODE-00	DOTE-00
	WHA-00	SRPP-00	DS-00	EAP-00	EB-00	EUR-00	FAAE-00
	FBIE-00	VC-00	H-01	TEDE-00	INR-00	LAB-01	L-00
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	PC-01	PM-00	PRS-00	ACE-00	P-00	SP-00	TRSE-00
	USIE-00	EPAE-00	IIP-00	PMB-00	DSCC-00	DRL-02	G-00
	NFAT-00	SAS-00	SWCI-00	/008W			

-----46CEF2 041529Z /38

FM AMEMBASSY HARARE  
TO SECSTATE WASHDC PRIORITY 0460  
INFO NSC WASHDC PRIORITY  
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
AMEMBASSY NAIROBI  
AMEMBASSY OSLO  
AMEMBASSY CANBERRA  
AMEMBASSY STOCKHOLM  
AMEMBASSY KINGSTON  
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C O N F I D E N T I A L SECTION 01 OF 04 HARARE 003630

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SUBJECT: AMBASSADOR DISCUSSES ELECTION WITH ELECTORAL  
SUPERVISORY COMMISSION CHAIRMAN

CLASSIFIED BY POLITICAL SECTION CHIEF MATT HARRINGTON.  
REASONS: 1.5 (B) AND (D).

SUMMARY

1. (C) ELECTORAL SUPERVISORY COMMISSION (ESC) CHAIRMAN SOBUSA GULA-NDEBELE TOLD THE AMBASSADOR ON NOVEMBER 29 THAT THE CONSTITUTION AND ZIMBABWEAN LAW ARE VAGUE ABOUT THE RESPONSIBILITIES OF THE ESC AND THE REGISTRAR-GENERAL FOR ELECTIONS, AND ACKNOWLEDGED PREVIOUS DIFFICULTIES BETWEEN THE TWO ELECTORAL BODIES. HE SAID THE GOVERNMENT'S PROPOSED CHANGES TO THE ELECTORAL ACT WOULD REQUIRE THAT DOMESTIC MONITORS BE DRAWN EXCLUSIVELY FROM THE RANKS OF CIVIL SERVANTS AND THAT NGO'S WOULD BE ABLE TO CONDUCT VOTER EDUCATION, BUT WOULD HAVE TO REGISTER WITH, AND HAVE THEIR MATERIALS CLEARED BY, THE ESC. GULA-NDEBELE LAMENTED THE LOW TURNOUT IN THE CURRENT VOTER REGISTRATION PROCESS, SAYING IT REFLECTED BOTH POLITICAL APATHY AND A LACK OF VOTER EDUCATION. HE ADVOCATED FORMATION OF A FULL-FLEDGED ELECTORAL COMMISSION RATHER THAN A SUPERVISORY BODY, BUT POINTED OUT THAT SOME IN THE GOZ AND LEGAL COMMUNITY BELIEVE THIS CANNOT BE DONE WITHOUT CONSTITUTIONAL OR LEGAL CHANGES. GULA-NDEBELE AGREED THAT POLITICAL PARTIES SHOULD BE ABLE TO PROVIDE INPUT TO THE WORK OF THE ESC AND NOTED THAT HE MAINTAINED GOOD RELATIONSHIPS WITH ZANU-PF AND THE MDC. END SUMMARY.

U.S. INTEREST

2. (C) IN A NOVEMBER 29 MEETING WITH ELECTORAL SUPERVISORY COMMISSION CHAIRMAN SOBUSA GULA-NDEBELE, THE AMBASSADOR SAID THE UNITED STATES IS NOT SEEKING TO INSTRUCT ZIMBABWE ON HOW TO RUN ELECTIONS. WE HAVE, HOWEVER, TAKEN A SIGNIFICANT INTEREST IN THE ELECTION PROCESS, ABOUT WHICH WE WILL EVENTUALLY HAVE TO RENDER OUR JUDGMENT. WE ARE GREATLY CONCERNED ABOUT THE IMPACT OF ONGOING VIOLENCE AND INTIMIDATION, WHICH WE HAVE REPEATEDLY URGED THE GOZ TO ADDRESS. THE ELECTORAL NORMS AND STANDARDS ENDORSED BY THE SADC PARLIAMENTARY FORUM IN MARCH 2001 PROVIDE AN EXCELLENT FRAMEWORK FOR THE CONDUCT OF ELECTIONS. THERE IS TIME FOR THE GOZ TO REVERSE COURSE AND IMPROVE THE ELECTION PROCESS. IF THERE ARE WAYS IN WHICH THE USG CAN BE HELPFUL, WE WOULD LIKE TO DO WHAT WE CAN. THE AMBASSADOR SOLICITED GULA-NDEBELE'S ASSESSMENT OF THE ELECTORAL PROCESS TO DATE AND HOW IT WOULD UNFOLD IN THE RUN-UP TO NEXT YEAR'S PRESIDENTIAL ELECTION.

3. (C) GULA-NDEBELE ASKED WHAT SPECIFICALLY THE AMBASSADOR MEANT WHEN HE SAID THE PROCESS NEEDED TO BE IMPROVED -- WAS HE REFERRING TO THE TECHNICAL ARRANGEMENTS OR THE GENERAL

POLITICAL ENVIRONMENT? THE ENVIRONMENT IS OUR BIGGEST CONCERN, THE AMBASSADOR REPLIED, BUT WE ALSO HAVE CONCERNS ABOUT SOME OF THE PROPOSED CHANGES TO THE ELECTORAL ACT. ALTHOUGH WE HAVE NOT YET SEEN A TEXT, THEY APPEAR DESIGNED TO DISENFRANCHISE LARGE NUMBERS OF VOTERS.

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PAGE 04 HARARE 03630 01 OF 04 041529Z

ROLE OF ELECTORAL SUPERVISORY COMMISSION

14. (C) GULA-NDEBELE NOTED THAT THE CONSTITUTION CONFERS A VAGUE SUPERVISORY ROLE ON THE ESC, CHARGING IT WITH SUPERVISING, NOT RUNNING, VOTER REGISTRATION AND THE CONDUCT OF ELECTIONS. THE ELECTORAL ACT DOES NOT PROVIDE MUCH CLARIFICATION, WITH LITTLE MORE THAN VAGUE STATEMENTS REGARDING THE INDEPENDENCE OF THE ESC AND THE REGISTRAR-GENERAL OF ELECTIONS. IT ALSO STATES THAT THE REGISTRAR-GENERAL "SHALL," WHICH GULA-NDEBELE INTERPRETS TO MEAN "MUST," TAKE INTO ACCOUNT RECOMMENDATIONS FROM THE ESC. ASKED WHAT AVENUES ARE OPEN TO THE COMMISSION IF IT DISAPPROVES OF ACTIONS BY THE REGISTRAR-GENERAL, GULA-NDEBELE SAID THE ESC MAKES ITS VIEWS KNOWN TO THE R-G. THE ESC CHAIRMAN ACKNOWLEDGED DIFFICULTIES IN THE RELATIONSHIP, NOTING "SOME GLITCHES" OVER ACCREDITATION OF MONITORS DURING THE 2000 PARLIAMENTARY ELECTIONS.

MONITORS/OBSERVERS

15. (C) THE ESC CHAIRMAN SAID HE HAD NOT SEEN THE LATEST

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CONFIDENTIAL PTQ4753

PAGE 01 HARARE 03630 02 OF 04 041529Z

ACTION AF-00

INFO	LOG-00	NP-00	ACQ-00	CIAE-00	DINT-00	DODE-00	DOTE-00
	WHA-00	SRPP-00	DS-00	EAP-00	EB-00	EUR-00	FAAE-00
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	USIE-00	EPAE-00	IIP-00	PMB-00	DSCC-00	DRL-02	G-00
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-----46CF04 041529Z /38

P 041437Z DEC 01

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PAGE 02 HARARE 03630 02 OF 04 041529Z

E.O. 12958: DECL. 12/04/11

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DRAFT OF THE GOZ'S PROPOSED ELECTORAL ACT AMENDMENTS, BUT THAT HE HAD PROVIDED HIS COMMENTS ON AN EARLIER VERSION. HE BELIEVED THE LEGISLATION WOULD ESTABLISH PROCEDURES FOR VOTER EDUCATION, AND THE PARTICIPATION OF DOMESTIC MONITORS AND INTERNATIONAL OBSERVERS. THE PROVISION ON MONITORS IS THE MOST CONTROVERSIAL, GULA-NDEBELE ACKNOWLEDGED. THE GOZ, HE SAID, PLANS TO REQUIRE THAT DOMESTIC MONITORS BE DRAWN FROM EXCLUSIVELY FROM THE RANKS OF CIVIL SERVANTS -- A COURSE OF ACTION THE ESC HAD NOT RECOMMENDED. HE DID NOT OBJECT TO THIS IN PRINCIPLE, AS IT WAS A GOOD THING TO CREATE A POOL OF TRAINED PEOPLE WITH EXPERIENCE AND EXPERTISE. HE WAS CONCERNED, HOWEVER, ABOUT THE PLAN'S FEASIBILITY. THE ESC, HE SAID, HAS NORMALLY ASSIGNED FOUR MONITORS TO EACH OF APPROXIMATELY 4,000 POLLING STATIONS, TOTALING 16,000 MONITORS. HE QUESTIONED WHETHER SO MANY CIVIL SERVANTS COULD BE AWAY FROM THEIR JOBS FOR THE TIME REQUIRED WITHOUT THEIR ABSENCES HAVING A NEGATIVE IMPACT ON THE FUNCTIONING OF GOVERNMENT. HE ALSO EXPRESSED CONCERN ABOUT THE WIDESPREAD PERCEPTION THAT CIVIL SERVANTS ARE

OVERWHELMINGLY ZANU-PF SUPPORTERS. THEY ARE NOT, HE INSISTED, NOTING THE STRONG UNIONISM PREVAILING WITHIN THE CIVIL SERVICE AND THE NUMEROUS CONFRONTATIONS BETWEEN CIVIL SERVANTS AND THE GOZ SINCE 1990, BUT HE DECLARED THAT SOMETIMES PERCEPTION IS MORE IMPORTANT THAN REALITY.

16. (C) IN THE JUNE 2000 PARLIAMENTARY ELECTIONS, GULA-  
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PAGE 03 HARARE 03630 02 OF 04 041529Z  
NDEBELE SAID, A LOOSE ARRANGEMENT OF CIVIC ORGANIZATIONS PROVIDED DOMESTIC MONITORS FOR AN ESC-SUPERVISED MONITORING EFFORT. ALTHOUGH NGOS LIKELY WOULD NOT BE PERMITTED TO SERVE AS "MONITORS" THIS TIME, THEY WOULD BE PERMITTED TO ACT AS "OBSERVERS." ASKED TO EXPLAIN THE DIFFERENCE, GULA-NDEBELE SAID MONITORS ARE AN ARM OF THE ESC AND CAN INTERVENE IN THE ELECTORAL PROCESS TO POINT OUT IRREGULARITIES. OBSERVERS, ON THE OTHER HAND, REMAIN OUTSIDE THE POLLING STATIONS BUT CAN POINT OUT ANY IRREGULARITIES THEY OBSERVE TO THE ESC OR LOCAL CONSTITUENCY REGISTRAR.

17. (C) GULA-NDEBELE SAID THE MINISTRY OF JUSTICE (MOJ) HAS ACCEPTED AN ESC RECOMMENDATION THAT INTERNATIONAL OBSERVER GROUPS BE PERMITTED TO OBSERVE BOTH THE PRE-ELECTORAL ENVIRONMENT AND THE VOTING DAYS THEMSELVES. HE IS ALSO RECOMMENDING THAT ACCREDITED INTERNATIONAL OBSERVERS BE ALLOWED TO ENTER VOTING PLACES TO OBSERVE. "WE THINK WE HAVE A GOOD TECHNICAL SYSTEM IN PLACE FOR RUNNING ELECTIONS AND WE'D LIKE INTERNATIONAL OBSERVERS TO SEE IT," GULA-NDEBELE SAID. ASKED HOW LONG IN ADVANCE INTERNATIONAL OBSERVER GROUPS WOULD BE PERMITTED ON THE GROUND, GULA-NDEBELE DESCRIBED THAT ISSUE AS "VERY TRICKY," BUT BELIEVED BOTH MONITORS AND OBSERVERS SHOULD BE DEPLOYED AS SOON AS THE ELECTION DATES ARE ANNOUNCED, AND REMAIN IN PLACE UNTIL 3-5 DAYS AFTER THE ELECTION.

VOTER EDUCATION  
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18. (C) GULA-NDEBELE TOLD US HE HAD ALSO RECOMMENDED TO THE  
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PAGE 04 HARARE 03630 02 OF 04 041529Z  
MOJ ESTABLISHMENT OF A NATIONWIDE, COORDINATED VOTER EDUCATION PROGRAM ORGANIZED AND IMPLEMENTED BY THE ESC. WE WANT PEOPLE TO UNDERSTAND THE IMPORTANCE OF VOTING, GULA-NDEBELE INSISTED, AND THAT NO MATTER WHAT PEOPLE DO TO THEM OUTSIDE THE POLLING CENTER, THEY CANNOT BE INFLUENCED OR INTIMIDATED ONCE THEY GO INSIDE TO CAST THEIR BALLOTS. VOTER EDUCATION, HE ASSERTED, IS CRUCIAL IN EMPOWERING PEOPLE, SO LONG AS IT IS DONE IN A "COORDINATED FASHION." HE SAID NGOS WILL BE ALLOWED TO CONDUCT VOTER EDUCATION, BUT THEY FIRST WILL HAVE TO REGISTER WITH THE ESC AND CLEAR WITH THE ELECTORAL BODY THE MATERIALS THEY PLAN TO USE. SUCH AN APPROACH, GULA-NDEBELE SAID, ALLOWS THE ESC TO ENSURE THE ENTIRE COUNTRY IS COVERED AND ENSURE THAT THE INFORMATION CONVEYED TO VOTERS IS CONSISTENT, UNIFORM, AND NON-PARTISAN. THE ESC CHAIRMAN DID NOT LIKE THE IDEA OF ALLOWING POLITICAL PARTIES TO CONDUCT VOTER EDUCATION -- BECAUSE IT CONVEYS THE WRONG IMPRESSION OF WHAT VOTER EDUCATION SHOULD BE ABOUT -- BUT MANY IN THE GOZ, HE SAID, BELIEVE POLITICAL PARTIES CANNOT BE STOPPED FROM DOING IT, AND THAT, THEREFORE, IT SHOULD BE AUTHORIZED.

VOTER REGISTRATION  
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CONFIDENTIAL

CONFIDENTIAL PTQ4757

PAGE 01 HARARE 03630 03 OF 04 041530Z  
ACTION AF-00

INFO	LOG-00	NP-00	ACQ-00	CIAE-00	DINT-00	DODE-00	DOTE-00
	WHA-00	SRPP-00	DS-00	EAP-00	EB-00	EUR-00	FAAE-00
	FBIE-00	VC-00	H-01	TEDE-00	INR-00	LAB-01	L-00
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	USIE-00	EPAE-00	IIP-00	PMB-00	DSCC-00	DRL-02	G-00
	NFAT-00	SAS-00	SWCI-00	/008W			

-----46CF14 041530Z /38

P 041437Z DEC 01  
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C O N F I D E N T I A L SECTION 03 OF 04 HARARE 003630

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PAGE 02 HARARE 03630 03 OF 04 041530Z  
E.O. 12958: DECL. 12/04/11  
TAGS: [PGOV](#) [PREL](#) [PINR](#) [ZI](#)  
SUBJECT: AMBASSADOR DISCUSSES ELECTION WITH ELECTORAL  
SUPERVISORY COMMISSION CHAIRMAN

19. (C) THE AMBASSADOR INQUIRED ABOUT THE PROGRESS OF THE CURRENT MOBILE VOTER REGISTRATION PROCESS. GULA-NDEBELE EXPRESSED DISAPPOINTMENT AT THE LOW TURNOUT SO FAR, AND LAMENTED THAT MANY PEOPLE DO NOT REALIZE THEY NEED TO REGISTER. ASKED WHETHER THERE ARE ANY REMEDIES, GULA-NDEBELE REPLIED, "YES, BETTER VOTER EDUCATION EFFORTS." IN A SURPRISING ADMISSION, THE ESC CHAIRMAN SAID HE HAD NEVER BEFORE VOTED, BOTH BECAUSE HE HAS NEVER BEEN ENTHUSIASTIC ABOUT HIS CHOICE OF CANDIDATES AND BECAUSE HE DOES NOT PLACE MUCH CONFIDENCE IN POLITICIANS. THAT KIND OF APATHY IS COMMON IN ZIMBABWE, HE CONTINUED, AND IS EXACERBATED BY THE WIDESPREAD PERCEPTION THAT THE ELECTORAL SYSTEM CAN BE MANIPULATED. SINCE STATUTE REQUIRES THAT THE REGISTRATION PERIOD CONCLUDE WITHIN A SPECIFIC PERIOD OF TIME PRIOR TO THE ELECTION, AND SINCE ELECTION DATES HAVE NOT YET BEEN ANNOUNCED, GULA-NDEBELE THOUGHT IT INEVITABLE THAT THE REGISTRATION PERIOD WOULD HAVE TO BE EXTENDED BEYOND THE CURRENT MID-DECEMBER DEADLINE.

110. (C) THE AMBASSADOR INFORMED GULA-NDEBELE HE HAD HEARD COMPLAINTS THAT PEOPLE HAVE HAD DIFFICULTY REGISTERING. THE ESC CHAIRMAN COMMENTED THAT HE WOULD NOT BE SURPRISED IF THOSE REPORTS ARE TRUE, AS HE HAS LONG FOUND CIVIL SERVANTS RIGID -- "LUNCHTIME IS LUNCHTIME" TO THEM -- AND VERY DIFFICULT TO WORK WITH. HE SAID THE REGISTRAR-GENERAL'S OFFICE HAS RESPONSIBILITY FOR ACTING ON SUCH

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PAGE 03 HARARE 03630 03 OF 04 041530Z  
COMPLAINTS, BUT HE ADVISED PEOPLE FACING DIFFICULTIES TO NOTIFY THE MEDIA. CIVIL SERVANTS, HE SAID, DO NOT LIKE BEING BLAMED, AND PARTICULARLY DISLIKE PRESS COVERAGE OF THEIR MISDEEDS. (NOTE: HIGH COURT JUDGE ANN GOORA SUBSEQUENTLY ORDERED THE GOVERNMENT, ON DECEMBER 3, TO RELAX THE STRINGENT REQUIREMENTS IMPOSED ON THOSE WISHING TO REGISTER. HER RULING WAS ISSUED IN A LAWSUIT BROUGHT BY THE MDC CHALLENGING THE REGISTRAR-GENERAL'S INSISTENCE THAT INDIVIDUALS SUBMIT PROOF OF PROPERTY OWNERSHIP IN ORDER TO REGISTER. END NOTE.)

INDEPENDENT ELECTORAL COMMISSION?

111. (C) ONE WAY TO ADDRESS SOME OF THE PROBLEMS THEY HAD DISCUSSED, GULA-NDEBELE SUGGESTED, WAS TO ESTABLISH A GENUINE ELECTORAL COMMISSION, IN THE MODEL OF OTHER SADC COUNTRIES INSTEAD OF A BODY WHICH PLAYED ONLY AN SUPERVISORY ROLE. HE NOTED THAT ESC MEMBERSHIP IS A "PART-TIME JOB" -- HE EARNS HIS LIVING BY RUNNING HIS OWN FIVE-ATTORNEY LAW PRACTICE -- AND LAMENTED THAT ONLY FOUR OF THE FIVE ESC SEATS ARE CURRENTLY FILLED. WAS ESTABLISHMENT OF AN ELECTORAL COMMISSION POSSIBLE BEFORE NEXT YEAR'S ELECTION, THE AMBASSADOR ASKED? THERE IS DISAGREEMENT WITHIN THE GOZ AND LEGAL COMMUNITY ON THIS POINT, GULA-NDEBELE REPLIED. HE PERSONALLY THOUGHT SUCH A STEP WOULD BE CONSISTENT WITH THE CURRENT CONSTITUTION, WHILE OTHERS THOUGHT CONSTITUTIONAL AND/OR LEGAL CHANGES WOULD BE REQUIRED FIRST.

112. (C) THE AMBASSADOR NOTED THE IMPORTANCE OF CITIZENS

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PAGE 04 HARARE 03630 03 OF 04 041530Z  
HAVING CONFIDENCE IN THEIR ELECTORAL AUTHORITIES. ONE APPROACH TAKEN IN SOME COUNTRIES IS TO ALLOW THE PARTICIPATION OF POLITICAL PARTIES ON ELECTORAL COMMISSIONS, SOMETIMES AS NON-VOTING MEMBERS. WAS THIS POSSIBLE IN ZIMBABWE? GULA-NDEBELE REPLIED THAT, ALTHOUGH POLITICAL PARTIES ARE EXCLUDED FROM MEMBERSHIP ON THE ESC, HE DID NOT SEE WHY THEY SHOULD NOT BE ABLE TO PROVIDE INPUT. HE NOTED THAT HE MAINTAINED GOOD RELATIONSHIPS WITH SENIOR OFFICIALS ON BOTH SIDES OF THE CURRENT ZIMBABWEAN POLITICAL DIVIDE. MDC SECRETARY-GENERAL WELSHMAN NCUBE, FOR INSTANCE, IS HIS COUSIN AND USED TO WORK IN HIS LAW FIRM.

COMMENT

113. (C) GULA-NDEBELE IS BRIGHT AND THOUGHTFUL, AND APPEARS

GENUINELY INTERESTED IN STRENGTHENING THE ELECTORAL SYSTEM FOR THE BENEFIT OF ALL ZIMBABWEANS, NOT JUST THOSE FROM THE RULING PARTY. WE WERE ENCOURAGED BY HIS OPENNESS ON A NUMBER OF KEY ISSUES, INCLUDING HIS WILLINGNESS TO WORK WITH THE MDC AND HIS EMPHASIS ON THE IMPORTANCE OF VOTER EDUCATION, INCLUDING THE NEED FOR INVOLVEMENT OF NGO'S. THE PROBLEM IS THAT THE ESC HAS, IN RECENT YEARS, BEEN

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PAGE 01 HARARE 03630 04 OF 04 041530Z  
ACTION AF-00

INFO	LOG-00	NP-00	ACQ-00	CIAE-00	DINT-00	DODE-00	DOTE-00
	WHA-00	SRPP-00	DS-00	EAP-00	EB-00	EUR-00	FAAE-00
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	NFAT-00	SAS-00	SWCI-00	/008W			

-----46CF1C 041530Z /38

P 041437Z DEC 01  
FM AMEMBASSY HARARE  
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PAGE 02 HARARE 03630 04 OF 04 041530Z  
E.O. 12958: DECL. 12/04/11  
TAGS: [PGOV](#) [PREL](#) [PINR](#) [ZI](#)  
SUBJECT: AMBASSADOR DISCUSSES ELECTION WITH ELECTORAL  
SUPERVISORY COMMISSION CHAIRMAN

RELEGATED TO THE MARGINS OF THE ELECTORAL PROCESS -- ITS PRINCIPAL FUNCTION IN THE JUNE 2000 PARLIAMENTARY ELECTION AND SUBSEQUENT BY-ELECTIONS HAS BEEN TO ACCREDIT MONITORS AND OBSERVERS. IT IS THE REGISTRAR-GENERAL (TOBAIWA MUDEDE), CONSIDERED BY MANY OBSERVERS TO BE FIRMLY IN THE ZANU-PF CAMP, WHO HAS BEEN GIVEN PREDOMINANT AUTHORITY FOR RUNNING ELECTIONS. WE ARE SEEKING A MEETING WITH MUDEDE TO PRESS THE SAME ELECTION-RELATED ISSUES. EVEN IF HE GIVES US AN APPOINTMENT (HE HAS TO DATE DECLINED TO MEET WITH MEMBERS OF THE DIPLOMATIC COMMUNITY), WE ARE NOT OPTIMISTIC THAT OUR DISCUSSION WITH HIM WOULD BE AS CONSTRUCTIVE.

SULLIVAN

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